

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEVIN GREEN,

Petitioner,

9:05-CV-0483
(FJS/GHL)

v.

MICHAEL RABIDEAU, Superintendent,

Respondent.

APPEARANCES:

OF COUNSEL:

KEVIN GREEN, 02-B-0631
Petitioner Pro Se
Orleans Correctional Facility
35-31 Gaines Basin Road
Albion, New York 14411

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
120 Broadway
New York, New York 10271

CHELSEA CHAFFEE, ESQ.
Assistant Attorney General

FREDERICK J. SCULLIN, JR., S.J.:

DECISION & ORDER

Presently before the Court is Magistrate Judge George H. Lowe's January 23, 2007 Report-Recommendation in which he recommends that the Respondent's motion to dismiss be granted and the petition for a writ of habeas corpus be denied and dismissed. Judge Lowe's Report-Recommendation was mailed to Petitioner's last known address, but was returned to the Clerk's office marked "Moved, Left No Address." Failure to notify the Court of a

change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Petitioner's failure to notify the Court of his change of address, it is hereby

ORDERED, that the Report-Recommendation filed by Magistrate Judge George H. Lowe on January 23, 2007 is, for the reasons stated therein, **ACCEPTED** in its entirety; and it is further

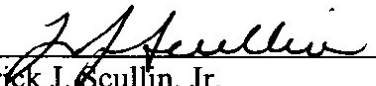
ORDERED, that Respondent's motion to dismiss is **GRANTED**; and it is further,

ORDERED, that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Respondent and close this case.

IT IS SO ORDERED.

Dated: February 13, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge